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Mortgage

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GODSON ERUCHALU,

Appellant,

vs.

US BANK NATIONAL ASSOCIATION; U.S.
BANK HOME MORTGAGE; NATIONAL
DEFAULT SERVICING CORP.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEM
(MERS); TIFFANY & BOSCO PA; FIRST
OPTION MORTGAGE; BANK OF AMERICA
N.A.

Appellees.

CASE NO. 2:15-CV-01799-RFB

Appealed From
CASE NO. 2:14-BK-11381-ABL
ADV. NO. 2:14-AP-01117-ABL

(Related Appeals: 2:15-CV-00946-JCM and
2:15-CV-001266-RFB)

**APPELLEES' UNOPPOSED MOTION
TO EXTEND TIME TO FILE
ANSWERING BRIEF**

(First Request)

Pursuant to FRCP 6(b) and LR 6-1, Appellees/Defendants U.S. Bank National Association, U.S. Bank Home Mortgage and Mortgage Electronic Registration Systems, Inc., by and through their counsel of record HOLLAND & HART LLP, hereby move the Court for a three (3) week extension to file their Answering Brief through December 14, 2015. Appellant does not oppose an extension (*see* Exhibit 1).

DATED this 23rd day of November, 2015. HOLLAND & HART LLP

/s/ Ryan A. Loosvelt

Ryan A. Loosvelt, Esq. (8550)
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9555 Hillwood Drive, 2nd Floor
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Registration Systems, Inc., U.S. Bank National
Association, U.S. Bank Home Mortgage

MEMORANDUM OF POINTS AND AUTHORITIES

The Court initially ordered the Appellant's Opening brief due on October 25, 2015, Appellee's Answering brief was due on November 11, 2015 and Appellant's Reply brief due by 11/28/15 [Dkt. #10]. The Appellant filed a request for a 14-day extension to file his Opening Brief on October 20, 2015 [Dkt. #11]. Appellees did not oppose the request. The Court granted Appellant's motion to extend time to file his answering brief on October 27, 2015 [Dkt. #12]. On November 9, 2015, Appellant filed his Opening Brief [Dkt. #13], and on November 9, 2015, Appellant filed an Addendum to Opening Brief [Dkt. #14]. The current deadline for the Appellees to file their Answering Brief is November 23, 2015.

Appellees' counsel has been consumed on matters in other cases including a multi-week arbitration hearing, expert deadlines, court hearings, and preparing several witnesses for depositions and also a damages evidentiary hearing. (Loosvelt Declaration). Appellees therefore request a three week extension for good cause through **December 14, 2015** to file its Answering Brief and Supplemental Excerpts of the Record due to counsel's workload and the intervening Thanksgiving holiday.

This is Appellees' first request for an extension in this appeal and the request is made before the expiration of the deadline. A court may extend the deadline for good cause where the request is made before the deadline expires. Fed. R. Civ. P. 6(b)(1)(A). Appellees' motion for extension is also unopposed, as Appellant has indicated he has no objection to an extension. (Exhibit 1: Email from Appellant). The declination of a party to oppose a motion constitutes consent to the granting of the motion. LR 7-2(d). Consequently, and for good cause, Appellees request this Court grant their Motion for Extension of Time.

DATED this 23rd day of November, 2015.

HOLLAND & HART LLP

/s/ Ryan A. Loosvelt

Ryan A. Loosvelt, Esq. (8550)

Patrick J. Reilly (6103)

9555 Hillwood Drive, 2nd Floor

Las Vegas, Nevada 89134

*Attorneys for Defendants Mortgage Electronic
Registration Systems, Inc., U.S. Bank National
Association, U.S. Bank Home Mortgage*

DECLARATION OF RYAN LOOSVELT

I, RYAN LOOSVELT ESQ., hereby declare as follows:

1. I am an attorney in the law firm Holland and Hart LLP, attorneys of record for Appellees/Defendants Appellees/Defendants U.S. Bank National Association, U.S. Bank Home Mortgage and Mortgage Electronic Registration Systems, Inc. (collectively as "Appellees"). I am over the age of eighteen years old, I have personal knowledge of the facts and circumstances set forth in this Declaration, and could and would competently testify thereto in a court of law.

2. The current deadline for the Appellees to file their Answering Brief is November 23, 2015. I have been consumed on matters in other cases including a multi-week arbitration hearing, expert deadlines, court hearings, and preparing several witnesses for depositions and also a damages evidentiary hearing.

3. Attached as **Exhibit 1** is a true and correct copy of my November 22, 2015 email exchange with Appellant Godson Eruchalu wherein Appellant states he has no objection to an extension for Appellees.

I declare that the foregoing is true and correct under the penalty of perjury under the laws of the United States of America.

DATED: November 23, 2015.

/s/ Ryan A. Loosvelt

Ryan A. Loosvelt

IT IS SO ORDERED:



RICHARD F. BOULWARE, II

United States District Judge

DATED this 2nd day of December, 2015.

Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2015, I served a true and correct copy of the foregoing **APPELLEES' UNOPPOSED MOTION TO EXTEND TIME TO FILE ANSWERING BRIEF** on the interested party(ies) in this action as follows:

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Las Vegas, Nevada, in the ordinary course of business.

☐ **BY FEDERAL EXPRESS:** I served said document(s) to be delivered on the same day to a courier or driver authorized by Federal Express to receive documents, in an envelope or package designated by Federal Express.

☒ **BY ELECTRONIC SERVICE:** I served a true copy, with all exhibits, electronically on designated recipients via electronic transmission of said document(s) as provided under Federal Rules of Civil Procedure and deposited for mailing in the U.S. Mail, postage prepaid, addressed to the following:

BY MAIL

Godson Eruchalu
7730 North Jones Blvd.
Las Vegas, Nevada 89131
Fax: 702-598-2040
Debtor/Plaintiff

BY MAIL

U.S. Trustee, Las Vegas
300 Las Vegas Boulevard South
Suite 4300
Las Vegas, Nevada 89101-5803
Tel: 702-388-6600
Fax: 702-388-6658
Trustee

BY ELECTRONIC SERVICE

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BY ELECTRONIC SERVICE

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BY ELECTRONIC SERVICE

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Las Vegas, NV 89144
Counsel for Bank of America, N.A.

/s/ Yalonda Dekle

An Employee of Holland & Hart LLP

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EXHIBIT 1

EXHIBIT 1

Ryan A. Loosvelt

From: Godson Eruchalu <sirgodson@yahoo.com>
Sent: Sunday, November 22, 2015 8:16 AM
To: Ryan A. Loosvelt
Subject: Re: Answering brief extension

Hello Mr Loosvelt:

I am in receipt of your request for extension of time to file your Appeal Answering Brief, I have no objection to your request, so you can proceed accordingly, with your motion to the Honorable court.

Sincerely,

Godson Eruchalu

On Sunday, November 22, 2015 7:58 AM, Ryan A. Loosvelt <RALoosvelt@hollandhart.com> wrote:

Mr. Eruchalu, please let me know today whether you have an objection to an extension for US Bank to file its answering brief. As you know we have not opposed any of your requested extensions.
Thank you,

Ryan Loosvet
Holland & Hart LLP

Sent from my iPhone